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PTO/SB/21 (04-04) (AW 06/2004)

Approved for use through 7/31/2006. OMB 0651-0031

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/611,763

Filing Date July 1, 2003

First Named Inventor William T. Wilkinson

Art Unit 3764

Examiner Name Unknown

Attorney Docket No. WIL-115US

**ENCLOSURES (Check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment/Reply☐ After Final☐ Affidavits/Declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing Parts under  
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation,  
Change of Correspondence  
Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication  
to Technology Center (TC)☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply  
Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
identify below): Form 1449,  
References, Return Receipt  
Card**Remarks:****SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**Firm or  
Individual  
Name

Rex A. Donnelly

Registration No. (Attorney/Agent)

41,712

Signature

Date

August 10, 2004

**CERTIFICATE OF TRANSMISSION / MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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printed name

Ruth Curran

Signature

Date

August 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Office, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/611,763  
Applicant: William T. Wilkinson  
Filed: July 1, 2003  
Title: EXERCISE DEVICE FOR EXERCISING UPPER BODY SIMULTANEOUSLY  
WITH LOWER BODY EXERCISE  
TC/A.U.: 3764  
Examiner: Unknown

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. § 1.56, the Examiner in charge of the above-identified application is requested to consider and make of record the references listed on the PTO 1449 (RP) submitted herewith. A copy of each of the listed non-patent references is also enclosed.

Although the information submitted herewith may be "material" to the Examiner's consideration of the subject application, this submission is not intended to constitute an admission that such information is "prior art" as to the claimed invention.

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

More than three months have elapsed since the filing of the above-referenced application. No first Official Action has yet been received and it is presumed that none has yet been mailed. Furthermore, as more specifically indicated below, a statement as required by 37 C.F.R. § 1.97(c) is provided herewith.

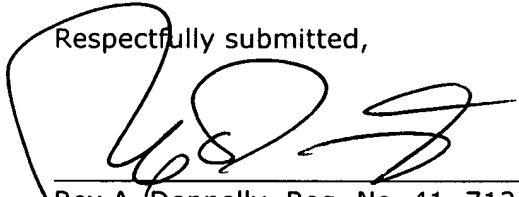
STATEMENT

The undersigned hereby states that

☐ each item of information disclosed in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

☒ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months before the filing of the Information Disclosure Statement.

Respectfully submitted,

  
\_\_\_\_\_  
Rex A. Donnelly, Reg. No. 41, 712  
Attorney for Applicant

RAD:rc

Enclosures: PTO Form 1449  
References (3)  
Transmittal Form

Dated: August 10, 2004

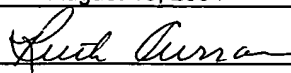
☐ P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

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Wilmington, DE 19899  
(302) 778-2500

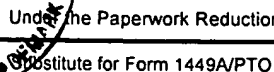
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August 10, 2004

A handwritten signature in cursive script, appearing to read "Ruth Curran", is written over a horizontal line.

Ruth Curran



PTO/SB/08a (08-03) (AW 10/2003)  
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*(Use as many sheets as necessary)*

**SHEET 1 of 2**

**Complete if Known**

Application Number	10/611,763
Filing Date	July 1, 2003
First Named Inventor	William T. Wilkinson
Art Unit	3764
Examiner Name	Unknown
Attorney Docket No.	WIL-115US

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date (MM-DD-YYYY)	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (If known)				
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						<input type="checkbox"/>
						<input type="checkbox"/>
						<input type="checkbox"/>
Examiner Signature				Date Considered		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>2</sup>Applicant's unique citation designation number (optional).

<sup>2</sup> See Kind Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.

3 Enter Office that issued the document, by the two-letter code (WIPO Standard St.3).

<sup>5</sup>Kind of document by the appropriate authority, as indicated by the two-letter code (WIPO Standard St.3).

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.

<sup>8</sup>Applicant is to place a check mark here if English language translation is attached.

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Substitute for Form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Application Number	10/611,763
Filing Date	July 1, 2003
First Named Inventor	William T. Wilkinson
Art Unit	3764
Examiner Name	Unknown
Attorney Docket No.	WIL-115US

SHEET 2 of 2

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	02	KEVIN P. MORAN; Protest Under 37 CFR 1.291(a); "Resistance Devices, Total-Body Exercise Machines Outfitted Therewith, and Exercise Methods using such Devices and Machines"; filed July 21, 2004; 10 pp.	<input type="checkbox"/>
	03	KEVIN P. MORAN; Protest Under 37 CFR 1.291(a); "Exercise Device for Exercising Upper Body Simultaneously With Lower Body Exercise"; filed July 21, 2004; 8 pp.	<input type="checkbox"/>
	04	NordicTrack Fitness At Home Catalog, Winter 1996; 44 pp.	<input type="checkbox"/>
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Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

<sup>1</sup>Applicant's unique citation designation number (optional).

<sup>2</sup>Applicant is to place a check mark here if English language translation is attached.

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